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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,842	12/27/2000	Samuel H. Christie, IV	11162RNUS01U	4800
27820	7590	05/19/2005	EXAMINER	
WITHROW & TERRANOVA, P.L.L.C.			POINVIL, FRANTZY	
P.O. BOX 1287			ART UNIT	PAPER NUMBER
CARY, NC 27512			3628	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/749,842	<b>Applicant(s)</b> CHRISTIE,, SAMUEL H.	
	<b>Examiner</b> Frantzy Poinvil	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6,9-11,13,14,16,17,21,22,24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,9-11,13,14,16,17,21,22,24 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*[Handwritten signature]*

## DETAILED ACTION

1. Applicant's remarks are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-6, 9-11, 13-14, 16-17, 21-22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al. (6,529,725) and Blonder et al. (5,708,422).

Joao et al. disclose most of the claimed limitations recited in claims 1-3, 6, 9-11, 14, 16, 17, 21 and 22. Joao et al. disclose particularly a method and system and a programmed computerized system for processing a transaction in association with a payment authorization service comprising:

Receiving an authorization request regarding a user's account containing transaction information;

Sending an approval request to a user using a two way message transmission service;

Receiving an approval response from the user through the communication device; and

Sending an authorization response to the payee.

Applicant is referred to column 4, line 49 to column 10, line 67.

Joao et al does not explicitly teach examining an account profile stored on a presence server and determining if the transaction requires approval. Blonder et al teaches means, steps and computer codes for determining an account profile stored on a presence server and determining if the transaction requires approval. Applicant is directed to columns 5 and 6 of Blonder et al. similar teaching is also taught by Arnold. See the abstract and figures 1 and 2 of Blonder et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of either Blonder et al or Arnold in order to determine if a transaction requires approval. The motivation would have been to quickly and efficiently inform the individual customer that his or her customer identifier is being used in a transaction for a particular purpose and the inability of the customer to respond thereto in order to confirm or deny its use. See Blonder et al.

As per claims 5, 13 and 25, Joao et al teach the approval request is formatted according to an approval protocol or process. Applicant is directed to column 16, lines 51-56 and column 18, lines 29-54 of Joao et al.

As per claim 24, Joao et al disclose the programmed computer is connected to the Internet for providing the user access to the account profile. Applicant is directed to column 10, lines 3-15 and column 29, lines 38-42 of Joao et al..

**Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797.

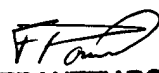
The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP

May 9, 2005

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
AU 3628